

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA
ROCK HILL DIVISION**

Marco D. Keitt,)	
)	Civil Action No.: 0:18-cv-01462-JMC
Plaintiff,)	
)	
v.)	ORDER
)	
S.C. Dept. of York, S.C. Dept. of Social)	
Services, State of S.C., and County of York,)	
)	
Defendants.)	
_____)	

This matter is before the court for review of the Magistrate Judge’s Report and Recommendation (“Report”) filed on July 18, 2018. (ECF No. 16.) The Report addresses Plaintiff Marco D. Keitt’s (“Plaintiff”) Complaint (ECF No. 1) and recommends that the court dismiss the Complaint with prejudice. (*Id.* at 5.) For the reasons stated herein, the court **ACCEPTS** the Report and **DISMISSES** the Complaint with prejudice.

I. FACTUAL AND PROCEDURAL BACKGROUND

The Report sets forth the relevant facts and legal standards which this court incorporates herein without a full recitation. (ECF No. 16.) As brief background, Plaintiff, proceeding *pro se* and *in forma pauperis*, filed his Complaint on May 30, 2018. (ECF No. 1.) Plaintiff challenged his state child support obligations and sought to “disestablish” paternity based on fraud and duress. (*Id.* at 1.) Plaintiff sought, at least, \$40,000.00 in damages for the amount of child support he has paid plus additional monies for his pain and suffering. (*Id.* at 5.) On June 14, 2018, the Magistrate Judge issued an Order notifying Plaintiff that his Complaint was subject to summary dismissal because he failed to allege sufficient factual allegations, or cite to appropriate statutory provisions, establishing he is entitled to the relief he requests. (ECF No. 9 at 4.) The Order further advised

Plaintiff that he had fourteen days to file an amended complaint or otherwise cure the identified deficiencies in his pleadings. (*Id.* at 5.) On that same day, the Order was mailed to Plaintiff. (ECF No. 9.) Plaintiff failed to respond to the Magistrate Judge's Order and has not contacted the court. (ECF No. 16 at 2.)

The Magistrate Judge filed the Report on July 18, 2018. (*Id.*) The Report stated that the statute and rules which Plaintiff cited do not support his claim to void his child support or otherwise entitle him to pursue a federal action on the relief he seeks. (*Id.* at 3–4.) Although a federal court must liberally construe *pro se* pleadings, the court cannot ignore a clear failure in a pleading to allege facts that set forth a claim cognizable in a federal district court. *See Weller v. Dep't of Soc. Servs.*, 901 F.2d 387, 390–91 (4th Cir. 1990). The Report recommended that the court dismiss the Complaint with prejudice. (*Id.* at 5.) Plaintiff was apprised of his opportunity to file objections to the Report on July 18, 2018. (*Id.* at 7.) Plaintiff has neither objected to the Report nor contacted the court in any way.

II. STANDARD OF REVIEW

The Magistrate Judge's Report is made in accordance with 28 U.S.C. § 636(b)(1) and Local Civil Rule 73.02 for the District of South Carolina. The Magistrate Judge only makes a recommendation to this court, and the recommendation has no presumptive weight. *See Mathews v. Weber*, 423 U.S. 261, 270–71 (1976). The responsibility to make a final determination remains with the court. *Id.* at 271. As such, the court is charged with making *de novo* determinations of those portions of the Report and Recommendation to which specific objections are made. *See* 28 U.S.C. § 636(b)(1); *see also* Fed. R. Civ. P. 72(b)(3). Thus, the court may accept, reject, or modify, in whole or in part, the Magistrate Judge's recommendation or recommit the matter with instructions. 28 U.S.C. § 636(b)(1).

III. DISCUSSION

In the absence of specific objections to the Magistrate Judge's Report, the court is not required to give any explanation for adopting the Report. *See Camby v. Davis*, 718 F.2d 198, 199 (4th Cir. 1983). Furthermore, a failure to file specific, written objections to the Report results in a party's waiver of the right to appeal from the judgment of the court based upon such recommendation. 28 U.S.C. § 636(b)(1). The court concludes that the Magistrate Judge's Report accurately summarizes the law and correctly applies it to the instant Complaint. (ECF No. 16.) Since Plaintiff did not file any specific objections, the court adopts the Report herein. *Camby*, 718 F.2d at 199.

IV. CONCLUSION

After a thorough review of the Report and the record in this case, the court **ACCEPTS** the Magistrate Judge's Report and Recommendation (ECF No. 16) and incorporates it herein. The court **DISMISSES** Plaintiff's Complaint with prejudice.

IT IS SO ORDERED.



United States District Judge

November 14, 2018
Columbia, South Carolina